

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GEOFFREY PESCE,

Plaintiff,

v.

KEVIN F. COPPINGER, in his official  
capacity as Essex County Sheriff,  
AARON EASTMAN, in his official  
capacity as Superintendent of the Essex  
County House of Corrections - Middleton,

Defendants.

C.A. No. 18-cv-11972-DJC

**DEFENDANTS' RESPONSE TO SEPTEMBER 20, 2018 ORDER**

Pursuant to the Court's September 20, 2018 Order (D. 25), Defendants file this response, as Plaintiff has refused to include in a proposed joint response Defendants' objections to a hearing before this Court on both September 24, 2018 and September 26, 2018. Defendants concur with Plaintiff's Response to September 20, 2018 Order *Factual Background*, but do not concur with their request for hearings.

Defendants do not agree to a hearing on either 9/24/18 or 9/26/18 for the following reasons:

1. Plaintiff has had ample time to file this complaint well in advance of any of his criminal proceedings, i.e., in Ipswich District Court on 9/24/18 and Lynn District Court on 9/26/18. Waiting until Thursday 9/20/18 to serve the Defendants with the Complaint and two motions (one for an expedited hearing, one for a temporary order) smacks of an attempt at subterfuge and leaves the Defendants at a disadvantage in addressing Plaintiff's claims;

2. Plaintiff literally presented Defendants with a box full of exhibits accompanying the Complaint and the two motions served today, which would take counsel all of the weekend and next week to review and coordinate a defense. The voluminous “paper dump” is—like the timeliness of the filing—evidence of a planned, coordinated filing designed to take advantage of the Plaintiff’s upcoming criminal matters. The Defendants should not be prejudiced because of Plaintiff’s specious and untimely filing.
3. Plaintiff has had a lengthy period of time to consult medical experts, gather analytical documentation, etc.,--but Defendants have not had that opportunity.
4. The ramifications of this case affect Essex County’s policies, budget and daily operations. Allowing the Plaintiff to proceed with a hearing on either 9/24/18 or 9/26/18 prejudices the Defendant’s ability to adequately address these issues.

Wherefore, Defendants request that this Court deny Plaintiff’s request for hearings on September 24 and September 26, 2018.

Respectfully submitted,  
Defendants Kevin Coppinger and Aaron Eastman,  
By their attorney,

/Stephen C. Pfaff/  
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### **CERTIFICATE OF SERVICE**

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF

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Dated: September 20, 2018

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel certifies pursuant to Local Rule 7.1 that, counsel for Plaintiff has conferred with counsel for Defendants and Defendants join this notice.

/s/ Robert Frederickson III

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on September 20, 2018, the foregoing document, filed using the CM/ECF system, will be delivered by email to the following:

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/s/ Robert Frederickson III